

MINUTES
POLICY ADVISORY OPINION COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH-35 SOUTH, BOARD ROOM, AUSTIN, TEXAS
May 24, 2012—8:30 AM

CALL TO ORDER. Committee Chair Lamberto “Bobby” Balli, P.E., called the Enforcement Committee meeting to order at 9:10 a.m., on May 24, 2012, at the Texas Board of Professional Engineers, (TBPE) 1917 South Interstate 35, Austin, Texas. (Note: All votes are unanimous unless otherwise indicated.)

1. Roll call and welcome visitors.

Lamberto “Bobby” Balli, P.E.	Chair
Daniel Wong, Ph.D., P.E.	Member
Govind Nadkarni, P.E.	Member
Edward Summers, Ph.D.	Member
Cary Ann Baker	Alternate Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, was present to provide legal counsel. Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member was present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Piphio, MPA	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
Dewey Helmcamp, III JD	Staff Attorney
Clif Bond	Supervising Investigator
Charles Pennington, P.E.	Staff Engineer
Dorothy Gonzales	Executive Assistant

Visitors. Peyton McKnight, American Council of Engineering Companies(ACEC)–Texas; Terry Sams, Texas Department of Transportation (TxDOT); Terry Bilderback, Texas Society of Professional Engineers (TSPE).

2. Public comment. None.

3. Discuss and possibly approve the February 15, 2012 Policy Advisory Committee Minutes.

It was MOVED/SECONDED (Summers/Wong) to approved the February 15, 2012 Policy Advisory Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

4. Engineering Advisory Opinion Request.

- **Update on EAOR #31 – Designated Engineering Representative (DER).**

Mr. Pennington reported that staff submitted a request for opinion from the Texas Attorney General’s office. The Board received acknowledgement of the request for opinion, and the opinion request was assigned a number. Staff was directed by the committee members to keep open communication with the requestor. Staff will provide an update at the next scheduled PAOC meeting.

- **EAOR # 33 – Direct Supervision.**

Mr. Pennington reported that this opinion was received anonymously. The requestor asked a two-fold question: first, if a Licensed Engineering Firm could allow a non-licensed engineer to issue forensic reports to the courts; secondly, does the Firm's registration number need to be on the report. Mr. Pennington suggested that the response to the requestor be that the statute states that testimony does not have to be provided by a licensed engineer but if a licensed engineer provides the report or testimony, the engineer must be in compliance with all the engineers' rules. Mr. Pennington asked the PAOC for their approval regarding the response to the requestor. He added that the response will be posted on the TBPE website as a letter.

It was MOVED/SECONDED (Wong/Baker) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to approve the response submitted by staff. A vote was taken and the MOTION PASSED 3 to 1. Dr. Edward Summers, Ph.D., abstained from voting.

5. **Discuss and possibly approve and/or recommend changes, rescinding current Engineering Advisory Opinions posted to comply with HB2284.**

Mr. Clark commented that this portion of the agenda is to discuss policy advisory opinions that are currently in place, but have been reviewed in light of HB2284.

- **Policy Advisory Opinion (PAO) 3 - Structural or Mechanical Modifications to Building Roofs.**

This PAO is not affected by HB2284 but staff wanted to make the Board members' aware of its existence and relationship to building design.

- **PAO 9b - Does the practice of engineering include comprehensive and complete design of buildings by a competent engineer without the services of an architect?**

Mr. Clark commented that this PAO is not aligned with HB2284; therefore, staff is requesting that the PAOC consider rescinding this opinion.

It was MOVED/SECONDED (Summers/Wong) to recommend to the Board at its Regular Quarterly Board meeting on May 24, 2012, to rescind PAO 9b. A vote was taken and the MOTION PASSED.

- **PAO 21 - Manufactured Buildings.**

Mr. Pennington reported that this PAO is a direct response to the City of San Angelo. The PAO references that building design is engineering and needs modification to comply with revisions in our statute incorporated in HB2284. The revised response will clarify building design in accordance with HB2284.

Staff was directed to make appropriate changes and bring back to the next scheduled PAOC for approval.

6. **Issues for consideration and schedule next meeting.**

Items for consideration at the next PAOC scheduled meeting are: Update on OAG Opinion Request; suggested changes to PAO 21; any communication/comments regarding Policy Advisory Opinion #33.

ADJOURN.

It was MOVED/SECONDED (Wong/Baker) to adjourn the meeting at 9:11 a.m.

Date committee approved as submitted:	August 16, 2012
Date Board accepted:	August 16, 2012